

# EDMONDS CITY COUNCIL APPROVED MINUTES

## May 17, 2005

Following a special meeting at 6:30 p.m. for an Executive Session regarding labor negotiations, the Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor  
Richard Marin, Council President  
Michael Plunkett, Councilmember  
Jeff Wilson, Councilmember  
Mauri Moore, Councilmember  
Peggy Pritchard Olson, Councilmember  
Dave Orvis, Councilmember  
Deanna Dawson, Councilmember

### STAFF PRESENT

Tom Tomberg, Fire Chief  
David Stern, Chief of Police  
Duane Bowman, Development Services Director  
Dan Clements, Administrative Services Director  
Noel Miller, Public Works Director  
Kathleen Junglov, Asst. Admin. Services Dir.  
Rob Chave, Planning Manager  
Dave Gebert, City Engineer  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. APPROVAL OF AGENDA

Change to  
Agenda

Council President Marin requested the addition of a five minute briefing on the Legislative Session by Senator Darlene Fairley as Item 3A and to move Audience Comments to Item 3B.

**COUNCIL PRESIDENT MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR APPROVAL OF THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

### 2. CONSENT AGENDA ITEMS

Council President Marin requested Item I be removed from the Consent Agenda so that he could abstain from the vote.

**COUNCIL PRESIDENT MARIN MOVED, SECONDED BY COUNCILMEMBER WILSON, FOR APPROVAL OF THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

Approve  
5/3/05  
Minutes

(A) **ROLL CALL**

Approve  
Claim  
Checks

(B) **APPROVAL OF CITY COUNCIL MEETING MINUTES OF MAY 3, 2005.**

(C) **APPROVAL OF CLAIM CHECKS #79438 THROUGH #9635 FOR THE WEEK OF MAY 9, 2005, IN THE AMOUNT OF \$224,561.75.**

Res# 1093  
Vacate  
Portion of 8<sup>th</sup>  
Ave. N.

(D) **RESOLUTION NO. 1093 AND ORDINANCE NO. 3551 VACATING A PORTION OF THE 8<sup>TH</sup> AVENUE NORTH RIGHT-OF-WAY DIRECTLY ADJACENT TO AND IMMEDIATELY WEST OF THE PROPERTY ADDRESSED AS 808 DALEY STREET (APPLICANTS: ROY AND SYLVIA ROBINSON AND JOHN AND LOIS RYAN/FILE NO. ST-04-09)**

Snohomish  
Regional  
Drug Task  
Force

- (E) **AUTHORIZATION FOR MAYOR TO SIGN AN INTERLOCAL AGREEMENT ESTABLISHING SNOHOMISH REGIONAL DRUG TASK FORCE FOR THE FISCAL YEAR 2005-2006.**

Res# 1094  
Street  
Vacation -  
164<sup>th</sup> St. SW  
Between  
72<sup>nd</sup> & 75<sup>th</sup>

- (F) **RESOLUTION NO. 1094 TO INITIATE STREET VACATION ACTIONS ALONG 164<sup>TH</sup> STREET SW BETWEEN 72<sup>ND</sup> AVENUE WEST AND 75<sup>TH</sup> PLACE WEST.**

Replace One  
Fire Engine

- (G) **AUTHORIZATION FOR THE FIRE DEPARTMENT TO ADVERTISE FOR BIDS TO REPLACE ONE FIRE ENGINE.**

Claims for  
Damages

- (H) **ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM LAURENCE & JANICE FARRAR (\$899.22), CHELSEY GOOD (\$50,000.00), SEAN G. ENBUSK (\$140.35), AND MICHAELA LaHURREAU (\$865.00)**

Public  
Works Week

- (J) **PROCLAMATION IN HONOR OF PUBLIC WORKS WEEK, MAY 15-21, 2005.**

Excellence  
in Music  
Day

- (K) **PROCLAMATION IN HONOR OF CASCADE SYMPHONY ORCHESTRA EXCELLENCE IN MUSIC DAY, MAY 23, 2005.**

Prosecutor  
Contract

- (L) **APPROVAL OF PROSECUTOR CONTRACT BETWEEN THE CITY AND THE LAW FIRM OF ZACHOR & THOMAS, INC., P.S. (THE PRINCIPALS WHO ARE H. JAMES ZACHOR, JR. AND MELANIE S. THOMAS) AND ITS ATTORNEYS.**

Liquor  
Control  
Board

**Item I: Approval of list of Edmonds businesses applying for renewal of their Liquor Licenses with the Washington State Liquor Control Board.**

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF ITEM I. MOTION CARRIED (6-0-1), COUNCIL PRESIDENT MARIN ABSTAINED. The item approve d is as follows:**

- (I) **APPROVAL OF LIST OF EDMONDS BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSES WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD**

Senator  
Darlene  
Fairley

**3A. BRIEFING ON THE LEGISLATIVE SESSION BY SENATOR DARLENE FAIRLEY**

Senator Darlene Fairley commented this session was about education, the environment and transportation. With regard to education, she advised I-732 (teachers' salaries) and I-738 (class size) were fully funded and 8,000 slots were added to higher education. She explained her top issue was ensuring community colleges were taken care of because she realized not everyone had the money to attend a 4-year university. With regard to the environment, she recalled a great deal of testimony from California that the automotive dealers did better with the clean car legislation. A bill was also passed requiring all public buildings to take into account green building standards. There was also legislation passed regarding cleanup of Hood Canal. She was disappointed she was not able to report that the gambling licensing had been frozen.

With regard to transportation, she reported a gas tax was passed consisting of 3 cents the first year, 3 cents the second year, 2 cents the third year and 1.5 cents the fourth year with a portion of the funding from the first and second year distributed to local government according to population. She also signed a letter along with other Edmonds Legislators asking the Washington State Ferries to move the Edmonds Crossing project up two years. She noted the Chair of the Transportation Committee did not support the Edmonds Crossing Project which is outside her district. As the former chair of the Capital Budget, she was pleased funds were included in the budget for projects in Shoreline and Edmonds. She now chairs

the Financial Institutions, Housing and Consumer Protection Committee and encouraged Councilmembers to contact her with any ideas for legislation. She reported she sponsored a bill that passed that increased the amount cities could recover toward the cost of incarceration from \$50 to \$100. She advised a bill was also passed that provided funding for municipal and district court judges if the judges were elected. Mayor Haakenson advised Edmonds' municipal judge was an appointed position.

Mayor Haakenson expressed his appreciation to Senator Fairley for her telephone updates during the legislative session. At his request, City Engineer Dave Gebert advised the local portion of the gas tax would provide approximately \$160,000 to Edmonds, two-thirds to the street operating budget and one third to the street capital budget. Mayor Haakenson commented although the City appreciated the funds, it was not enough and he encouraged Senator Fairley to continue to identify funds for the City. He also expressed his appreciation for Senator Fairley's support of the Edmonds Crossing project.

Council President Marin referred to a bill Senator Paull Shin sponsored regarding rainwater harvesting that took a great deal of flack, noting this illustrated to him how difficult it was for a senator to balance their constituents' needs. He expressed his appreciation for the work that Senator Fairley and other senators do. Mayor Haakenson commented Senator Fairley's background in cities assist with her understanding of cities' needs.

Councilmember Orvis thanked Senator Fairley for her response to him regarding his inquiry about the gambling issue.

### **3B. AUDIENCE COMMENTS**

Kiwanis  
Club Berry  
Sale

**Al Rutledge, 7101 Lake Ballinger Way, Edmonds**, encouraged the Council to purchase berries via the Kiwanis Club berry sale. He advised the Kiwanis Club had also raised funds in the past via a gate at the Taste of Edmonds, however, the number of gates is being reduced this year from four to three. He briefly commented on efforts related to Brightwater.

Building  
Height  
Issues

**Ron Wambolt, 530 Dayton Street, Edmonds**, recalled Mark Hinshaw's statement at the May 10 Council meeting, "arguing a matter of a few feet was pretty silly, a waste of energy." Mr. Wambolt expressed disappointment that that statement due to no reaction from the Council. He commended Mr. Hinshaw for his analysis of the buildings in the downtown area, including his observation that the most of the buildings in the retail core were 1-2 stories. He noted three Councilmembers have supported a height increase in that area to 33 feet and while this is only a few feet, it would be the catalyst for developers to construct 3-story mixed use buildings in the primary shopping area with the end result being a proliferation of 3-story buildings rather than the predominantly 1-story buildings. He noted Mr. Hinshaw recognized the destruction this could cause by proposing a 25-foot height in the core shopping area. He noted this illustrated that three additional feet did make a difference, the reason thousands of Edmonds citizens were opposed to the additional height.

Washington  
Tea Party

### **4. PRESENTATION OF GIFT AND PLAQUE BY REPRESENTATIVES OF THE WASHINGTON TEA PARTY.**

**John Quast, President, Washington Tea Party**, recognized the members of the audience and the Council who were members of or supported the efforts of the Washington Tea Party. He explained the Washington Tea Party was formed in 2001 to oppose the siting of a sewage plant at property known as the Unocal hill, the last large tract of Edmonds bowl property, noting whatever was located there would have a significant impact on the beauty and personality of the city and Brightwater was not the citizens' choice for that location. The citizens of Edmonds together with friends and neighbors in Mountlake Terrace worked to ensure that destiny was thwarted and their diligent efforts succeeded. He thanked the

thousands who were involved, noting the contributions of Mountlake Terrace Councilmembers Angela Amundson, John Zambrano and Michelle Robles. He also expressed his thanks to the City of Edmonds including Mayor Haakenson, members of City staff including Treatment Plant Manager Steve Koho, Community Services Director Stephen Clifton, Planning Manager Rob Chave, and the Edmonds City Council. He expressed the Tea Party's special thanks to Development Services Director Duane Bowman who attended every meeting, testified in Olympia and who accomplished much in the Tea Party's behalf. He also expressed their appreciation for the support of Senators Paull Shin and Darlene Fairley, Snohomish County Council President Gary Nelson and Representative Brian Sullivan.

Mr. Quast explained the Tea Party's goal was to ensure the people had a voice in the future of the community. However, as they addressed the mission of the Tea Party, it became clear there was an opportunity to remind those in the future of the importance of protecting the community. He presented a plaque to Ross Woods, Triad Executive Vice President, that read, "But for the action of the people of Edmonds during 2001 – 2004, this beautiful site would now be a sewage treatment plant." Mr. Woods expressed Triad's honor to accept the plaque and looked forward to installing it later this year in the stonework at the new viewpoint on Pine Street.

Mr. Quast described the Washington Tea Party's unanimous decision to donate their remaining treasury to the City of Edmonds flower basket program. He presented a check for \$1,341.39 to the City of Edmonds Park Trust Fund for the flower basket program.

Mayor Haakenson stated he had no doubt what was accomplished in the fight against Brightwater would not have been accomplished without the efforts of the Washington Tea Party. He noted the effort not only brought the community together, it showed the State that Edmonds was a force to be reckoned with. He expressed his sincere support for everything the Washington Tea Party had accomplished.

Council President Marin echoed Mayor Haakenson's thanks to the Washington Tea Party, commenting this was an example of community service at its best.

Foster Care  
Month

5. **PROCLAMATION AND PRESENTATION IN HONOR OF NATIONAL FOSTER CARE MONTH IN MAY, 2005.**

Councilmember Dawson read a proclamation declaring May 2005 as National Foster Care Month that she presented to Adam Cornell who grew up in the care and custody of Washington State Department of Social and Health Services from age 5-14, attending over a dozen public schools and living in numerous foster homes. She explained Mr. Cornell was currently a Deputy Prosecuting Attorney for Snohomish County, obtaining his law degree from Lewis & Clark College in 2001, his BA *magna cum laude* and Phi Beta Kappa, from Georgetown University in 1995. In 2004, Mr. Cornell was appointed by Governor Locke to the Washington Commission for National and Community Service and currently serves as vice chair for that organization. He also serves on the Board of Directors of the Children's Campaign Fund, a Washington State political action committee dedicated to electing public officials who are champions for children. He recently completed a three-year term on the Board of Directors of the Child Welfare League of America, the nation's oldest and largest membership-based child-welfare organization. Mr. Cornell was also the author and legislative advocate of Oregon House Bill 2431, the foster care scholarship bill; HB 2431 became law in July 2001 and provides college tuition scholarships to former foster children in Oregon. In the past Mr. Cornell has also served as a Peace Corp volunteer in South America and was the Boys and Girls Club of America's National Youth of the Year in 1990 where he represented 1.5 million members as a national spokesperson.

**Adam Cornell, 628 Dayton Street, Edmonds**, commented what most people know about foster care is what they read in the newspaper or hear on television, noting the recent tragic and unnecessary deaths of

many children have brought attention to a foster care system in desperate need of repair. He noted in a recent high profile crime in the State, one of the defendants spent much of his early life in foster care. He noted his work as a Deputy Prosecutor in the felony drug unit provided him the opportunity to meet many criminal defendants who were the result of the foster care system. This was not surprising given the trauma many children face living in foster care. He explained there were approximately 8,000 children in Washington living in foster care, children who were abused or neglected and the court made a decision that it was unsafe to live with their families. He noted the grim news stories did reflect a grain of truth of the grim prospects that children living in foster care face. He cited statistics from a recent study by Harvard Medical School regarding post traumatic stress rates for children in foster care, mental health problems among foster children and that less than 3% would obtain a B.A. degree.

Mr. Cornell commented what the public often did not hear were the successes in the State and community, pointing out next month 18 children living in foster care in Snohomish County would graduate from high school or obtain a GED. He referred to other success stories in the community and State, children who were doing well because they had foster parents and a support system that did more than provide for their basic needs. He expressed his thanks to the people in the community that helped foster children thrive.

Mr. Cornell described the trauma he experienced while in foster care, explaining he entered the foster care system in Whatcom County at the age of five and remained there until adopted at the age of 14. He commented on a failed adoption, his mother's voluntary relinquishment of he and his two younger siblings when he was 8, and his adoption at age 14 by a single man who subsequently committed suicide two weeks prior to his high school graduation. He noted he entered adulthood in the same way he began his life in the foster care system, essentially alone, the same situation many foster children face when they leave foster care, the reason only 3% obtain a B.A. degree.

Mr. Cornell described his ability to thrive due to people in his life who set high expectations for him. He described an experience with one of his foster parents who taught him humor and persistence as well as helped him understand that he wasn't a victim of circumstance and that he could make his life work. He expressed his gratitude to that foster mother, Stella, one of many people who take in foster children and provide guidance and set goals.

Mr. Cornell encouraged the Council and the public to support local programs for young people, to talk to children and their families about foster care and the next time they heard a news story about a tragic death in the foster care system, to think about the young people who are doing good things.

Budget  
Amendment

**6. PUBLIC HEARING ON THE FIRST QUARTER 2005 BUDGET AMENDMENT.**

Administrative Services Director Dan Clements explained the first quarter 2005 budget amendment formally implements the 2005 Utility Rate Study recommendations that had been on hold while the Council addressed land use issues. He recalled during the development of the 2005 budget, the utility rate decision package was put on hold pending the results of the Water, Sewer and Storm rate study. The rate recommendations were reviewed by the Finance Committee on January 11, by the Council on February 1, a public hearing was held February 22 followed by adoption of the rate ordinance. He concluded the budget amendment contains 24 capital projects and one staff position.

Mayor Haakenson relayed a request that Mr. Clements explain in plain English what the budget amendment accomplished. Mr. Clements advised the budget amendment gave the utilities the statutory authority to make a number of capital improvements and hire one additional position. He advised these were approved via the budget process and a decision was made at that time to delay the decisions until the rate study was completed. He recalled the rate study did not recommend an increase in water or sewer

rates and recommended a 7% increase in storm rates. He summarized the amendment authorized the expenditure of funds from the Utility Fund.

Mayor Haakenson opened the public participation portion of the public hearing. There were no members of the audience who wished to provide testimony and Mayor Haakenson closed the public hearing.

**COUNCIL PRESIDENT MARIN MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF ORDINANCE NO. 3552. MOTION CARRIED UNANIMOUSLY. The ordinance approved reads as follows:**

**AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ORDINANCE NO. 3525 AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**

**7. REPORT ON CITY COUNCIL MEETINGS OF MAY 10, 2005**

Public  
Safety  
Committee

Public Safety Committee

Councilmember Dawson reported the Committee reviewed additional details provided by staff with regard to authorization for the Fire Department to advertise for bids to replace one fire engine. She advised the bid specifications were available on the Edmonds Fire Department website. The Committee recommended approval and the item was approved on the Consent Agenda. Next the Committee reviewed the Interlocal Agreement Establishing the Snohomish Regional Drug Task Force for 2005-2006. She noted the primary advantage to Edmonds was the Task Force had the ability to dismantle drug labs which would save the City a considerable amount of money. This item was also approved on tonight's Consent Agenda. The last item the Committee considered was approval of a contract between the City and the law firm of Zachor & Thomas, Inc., P.S. for prosecution services. This item was also approved on tonight's Consent Agenda.

Finance  
Committee

Finance Committee

Councilmember Olson reported the Committee reviewed the risk assessment that staff prepared for the Edmonds Center for the Arts and staff addressed a number of questions relating to the City's exposure under various scenarios. Committee members asked staff to prepare a condensed scenario summary when this item is discussed by the full Council as well as to formally present their opinion on the probability of the project succeeding.

Community/  
Development  
Services  
Committee

Community Services/Development Services Committee

Councilmember Moore reported the Committee discussed wireless facilities and the recommendation from the Citizen Technical Advisory Committee (CTAD). She noted this issue arose as a result of a request by Cingular Wireless to extend PUD poles with antennas to improve coverage in the Edmonds area. A recommendation was sought from CTAD regarding the impact this would have if other providers requested the same access to the poles. CTAD reported on the importance of providing the access but did not comment on the aesthetics of extending the poles. The Committee referred the matter to the full Council for a public hearing.

**8. MAYOR'S COMMENTS**

Mayor Haakenson commented he had a wonderful and relaxing vacation and it was good to be back.

**9. COUNCIL COMMENTS**

Community  
Outreach  
Meeting

Council President Marin announced the Council's next Community Outreach Meeting will be held at the Seaview Elementary School library on May 31. He encouraged the public to come to the meeting, noting there were no cameras and no time limits and the meeting was open to all subjects.

Bird Festival

Councilmember Olson thanked everyone who worked on the Bird Festival this weekend, particularly Economic Development Director Jennifer Gerend.

Snohomish  
Co. Cities  
and Towns

Councilmember Dawson commented this week's Snohomish County Cities and Towns meeting was an open discussion of topics of interest to elected officials throughout the region and one of the primary issues will be Paine Field. She commented on the possibility of Snohomish County Cities and Towns sponsoring a forum to discuss Paine Field.

With no further business, the Council meeting was adjourned at 7:50 p.m.